

### **REMARKS/ARGUMENTS**

Claims 1, 2, 4 through 11, and 13 through 17 are pending in the application.

#### **Change of Art Unit Designation**

Applicant notes that the Art Unit currently specified by the April 5, 2007 Final Office Action cover page is 2139 but was specified in the previous Office Action of Dec. 7, 2006 as 2112.

#### **Summary of Final Office Action mailed April 5, 2007**

The Examiner has noted that various trademarks are used in the instant application and as such, should be designated as trademarks in the specification. Final Office Action, page 2 (mailed Apr. 5, 2007) [hereinafter “Final OA”].

Claims 1, 2, 4 through 11 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0028763, App. No. 10/192,753 (published Feb. 6, 2003) by Malinen, et al. [hereinafter “*Malinen application*”], and U.S. Patent No. 5,668,875 (issued Sep. 16, 1997) to Brown, et al. [hereinafter “*Brown patent ‘875*”], in view of U.S. Patent Application Publication No. 2003/0233546, App. No. 10/278,362 (published Dec. 18, 2003) by Blom [hereinafter “*Blom application*”]. Final OA, page 3.

Claims 14 through 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the *Malinen application* and the *Brown patent ‘875*, in view of PCT Patent Application Publication No. WO00/02406, App. No. PCT/FI99/00565 (published Jan. 13, 2000) by Ekberg [hereinafter “*Ekberg PCT application*”], and further in view of the *Blom application*. Final OA, page 7.

### Specification

In the specification, the paragraph [0016] has been amended to show trademark designations as appropriate.

### Claims rejections under 35 U.S.C. § 103(a)

The *Brown patent '875* is a continuation of U.S. Patent No. 5,537,474 (issued Jul. 16, 1996) to Brown, et al. [hereinafter "*Brown parent patent '474*"]. The *Brown parent patent '474*, (including any continuations and thus the subject matter of the *Brown patent '875*), and the instant application were under common ownership at the time the claimed invention was made.

Recordation of assignment of the instant application to Motorola, Inc. may be found under USPTO assignment records, Reel/Frame 014870/0748, while recordation of assignment of the *Brown parent patent '474*, which includes assignment of continuations and thus includes assignment of the *Brown patent '875*, to Motorola, Inc. may be found under USPTO assignment records, Reel/Frame 007104/0934.

Therefore, with respect to the above noted assignments, and in accordance with 35 U.S.C. § 103(c)(1), the *Brown patent '875* cannot be used to preclude patentability under 35 U.S.C. § 103(a) for the instant application. Withdrawal of the claims rejections under 35 U.S.C. § 103(a) is respectfully requested.

## CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant(s) has/have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,  
Michael D. Kotzin, et al.

Please forward all correspondence to:  
Motorola, Inc.  
Law Department (JTC)  
600 North US Highway 45  
Libertyville, IL 60048

/Joseph T. Cygan/  
Joseph T. Cygan  
Attorney for Applicants  
Registration No. 50,937  
Telephone: (847) 523-7784  
Facsimile: (847) 523-2350

July 23, 2007